

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ROBERT ALLEN LEE, individually and on behalf of
all others similarly situated,

Plaintiff

v.

STACY MAKHNEVICH et al.

Defendant

)
)
) **11 CIV 8665**
) Civil Action No.
)
)
)

JUDGE CROTTY

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Stacy Makhnevich
405 Lexington Avenue
69th Floor
New York, NY 10174

See attached rider

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Bruce P. Keller, DEBEVOISE & PLIMPTON LLP, 919 Third Avenue, New York,
New York 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

Date: _____

NOV 29 2011

Signature of Clerk or Deputy Clerk

Rider to Summons

Stacy Makhneovich
405 Lexington Avenue
69th Floor
New York, NY 10174

Aster Dental
405 Lexington Avenue
69th Floor
New York, NY 10174

Chrysler Building Dental Association
405 Lexington Avenue
69th Floor
New York, NY 10174

North East P.C.
405 Lexington Avenue
69th Floor
New York, NY 10174

South East Dental Suite
405 Lexington Avenue
69th Floor
New York, NY 10174

Lincoln Square Dental Arts
405 Lexington Avenue
69th Floor
Suite 6906
New York, NY 10174

Lincoln Square Dental Arts of Manhattan
405 Lexington Avenue
69th Floor
Suite 6906
New York, NY 10174

Chrysler Dental
405 Lexington Avenue
69th Floor
New York, NY 10174

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	x
ROBERT ALLEN LEE, individually	:
and on behalf of all others similarly situated,	:
	:
Plaintiffs,	:
	:
v.	Civil Action No. 11 cv 8665 (PAC)
	: ECF CASE
STACY MAKHNEVICH and ASTER DENTAL,	:
a/k/a CHRYSLER BUILDING DENTAL	: <u>AFFIDAVIT OF SERVICE</u>
ASSOCIATION, a/k/a NORTH EAST P.C., a/k/a	:
SOUTH EAST DENTAL SUITE, a/k/a LINCOLN	:
SQUARE DENTAL ARTS, a/k/a LINCOLN	:
SQUARE DENTAL ARTS OF MANHATTAN,	:
a/k/a CHRYSLER DENTAL,	:
	:
Defendants.	:
-----	x

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

GEORGE PASIUK, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age, and is a licensed Private Investigator and a licensed Process Server, residing at 3146 Rawlins Avenue, Bronx, New York 10465.

1. On December 3, 2011, at 4:30 p.m., at 2900 Ocean Avenue, #4M, Brooklyn, New York 11235, I attempted to personally serve the following documents upon defendant Stacy Makhnevich:

- (a) Summons and Complaint with Exhibits;
- (b) Judge Crotty Individual Rules;
- (c) Southern District of New York Electronic Case Filing Rules & Instructions; and
- (d) Consent to Proceed Before United States Magistrate Judge.

2. Records of the New York State Department of Motor Vehicles, property records, Yahoo! People Search, and investigative databases show 2900 Ocean Avenue, #4M, Brooklyn, New York 11235 to be the home address of Stacy Makhnevich. Located at 2900 Ocean Avenue, #4M, Brooklyn, New York 11235 is a residential apartment building. The name Makhnevich is listed on the intercom panel for Unit #4M at the entrance of the building. I rang the bell marked "Makhnevich." There was no answer. I entered the building and went to Unit #4M. I knocked loudly on the door. There was no answer and I heard no sound coming from inside the unit.

3. On December 5, 2011 at 7:08 a.m., I returned to 2900 Ocean Avenue, #4M, Brooklyn, New York 11235. I knocked loudly on the door of Unit #4M and waited. There was no answer.

4. On December 5, 2011 at 8:15 a.m., I arrived at 1420 E. 4th Street, Apartment C5, Brooklyn, New York 11230. Records of the New York State Department of Motor Vehicles indicate that Stacy Makhnevich currently has a vehicle registered to the address. It is a residential apartment building. I spoke to a person who claimed to have lived in Apartment C5 for one and a half years. He said that he did not know of Stacy Makhnevich.

5. On December 5, 2011 at 10:05 a.m., at 9920 4th Avenue, Brooklyn, New York 11209, I attempted service of process of the above referenced documents upon Stacy Makhnevich. Internet references indicate that Stacy Makhnevich operates a dental practice at the address. I found premises for a dental practice called Southern Dental PC in Suite 301. However, the door was locked and mail at the location had not been collected in several days.

6. On December 12, 2011 at 10:30 a.m. at the Chrysler Building, 405 Lexington Avenue, New York, New York 10174, I attempted to serve the above referenced documents upon Stacy Makhnevich and the other named defendants. At 212midtowndentist.com, the Chrysler Building, 405 Lexington Avenue, 69th Floor, Suite 6906, New York, New York 10174 is identified as Stacy Makhnevich's office address. Located at the address is a commercial office building. Access to the upper floors is tightly controlled by building staff. When asked, the building staff would not allow me access to the upper floors of the building. The building staff called to the 69th floor office and spoke to a receptionist. I was not allowed to enter the building.

7. Another office address noted for Stacy Makhnevich at 212midtowndentist.com is 80 Broad Street, 5th Floor, #5-01, New York, New York 10004. I went to the address on December 12, 2011 at 12:05 p.m. It is a commercial office building. I spoke to building staff at 80 Broad Street, New York, New York. None knew of Stacy Makhnevich or any dental office located in the building. I was not allowed access to the 5th floor of the building.


8. On December 16, 2011 at 8:07 p.m., I returned to 2900 Ocean Avenue, #4M, Brooklyn, New York 11235. Although I knocked loudly on the door of Unit #4M and waited, there was no answer.

9. On December 17, 2011 at 7:55 a.m., I returned to 2900 Ocean Avenue, #4M, Brooklyn, New York 11235. My knocks on the door of Unit #4M were answered by a woman who spoke some words that I recognized to be Russian, but who would not open the door. She became excited and began shouting. A moment later, I heard another voice, seeming to be that of a minor, asking what I wanted. I explained the purpose of my visit to him. After that, my

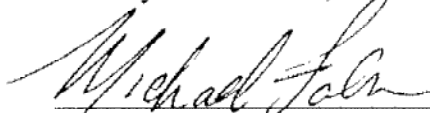
further attempts to speak to the occupants of the unit were ignored. The door of the unit was never opened.

10. On December 17, 2011 at 11:04 a.m., I returned to 2900 Ocean Avenue, #4M, Brooklyn, New York 11235. When I knocked loudly on the door, there was no answer. A neighbor said that a woman in her 50s or 60s lived in Unit #4M and that he had just seen her enter the unit. At this time I firmly affixed one set of the aforementioned documents on the door of Unit #4M.

11. On December 20, 2011 at 11:58 a.m., I mailed true copies of the above referenced documents, properly enclosed in post paid wrappers marked "Personal & Confidential" and bearing no indication that they relate to a lawsuit or are from an attorney, via First Class Mail to Stacy Makhnevich, 2900 Ocean Avenue, #4M, Brooklyn, New York 11235; and to Stacy Makhnevich, 405 Lexington Avenue, 69th Floor, Suite 6906, New York, New York 10174. Copies of the postal receipts are attached.


George Pasiuk
License Number 0776964

Sworn to before me this
22nd day of December, 2011


Notary Public

40-740 Affidavit 12-20-2011.wpd



MURRAY HILL STA.
NEW YORK, New York
100169991

3558250016-0092

12/20/2011 (800)275-8777 11:58:24 AM

Sales Receipt			
Product Description	Sale Unit Qty	Price	Final Price

BROOKLYN NY 11235			\$5.20
Zone-1 Priority Mail			
1 lb. 6.60 oz.			

Issue PVI: \$5.20

Certificate of Mailing	1	\$1.15	\$1.15
NEW YORK NY 10174			\$5.20
Zone-1 Priority Mail			
1 lb. 6.60 oz.			

Issue PVI: \$5.20

Certificate of Mailing	1	\$1.15	\$1.15
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Total: \$12.70

Paid by: AMEX \$12.70

Account #: XXXXXXXXXXXX9000
Approval #: 530730
Transaction #: 636
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From:

G. Pasiuk
3146 Rawlins Ave
Bronx, New York 10465

To:

Stacy Makhnevich
2900 Ocean Avenue #4M
Brooklyn, New York 11235
Personal & Confidential

PS Form 3817, April 2007 PSN 7530-02-000-9065



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From:

G. Pasiuk
3146 Rawlins Ave
Bronx, New York 10465

To:

Stacy Makhnevich
405 Lexington Ave, 69th fl, Suite 6906
New York, New York 10174
Personal

PS Form 3817, April 2007 PSN 7530-02-000-9065

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